

REFERENCE TITLE: Lease termination; domestic violence; stalking

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1416

Introduced by
Senator Hellon

AN ACT

AMENDING TITLE 33, CHAPTER 10, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1318; RELATING TO THE ARIZONA RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 33, chapter 10, article 1, Arizona Revised Statutes, is amended by adding section 33-1318, to read:

33-1318. Termination by tenant; court order; domestic violence; assault; stalking; notice; definitions

A. A TENANT MAY TERMINATE A RENTAL AGREEMENT PURSUANT TO THIS SECTION IF THE TENANT PROVIDES TO THE LANDLORD ANY OF THE FOLLOWING:

1. A COPY OF AN INJUNCTION AGAINST HARASSMENT OBTAINED BY THE TENANT OR ANY MEMBER OF THE TENANT'S HOUSEHOLD PURSUANT TO SECTION 12-1809.

2. A COPY OF AN ORDER OF PROTECTION OBTAINED BY THE TENANT OR ANY MEMBER OF THE TENANT'S HOUSEHOLD PURSUANT TO SECTION 13-3602.

3. A WRITTEN REPORT FROM A QUALIFIED THIRD PARTY THAT STATES THAT THE TENANT OR A MEMBER OF THE TENANT'S HOUSEHOLD NOTIFIED THE QUALIFIED THIRD PARTY THAT THE TENANT OR A MEMBER OF THE TENANT'S HOUSEHOLD WAS A VICTIM OF ANY OF THE FOLLOWING:

- (a) DOMESTIC VIOLENCE, INCLUDING AGGRAVATED DOMESTIC VIOLENCE.
 - (b) SEXUAL ABUSE, SEXUAL ASSAULT OR SEXUAL CONDUCT WITH A MINOR.
 - (c) STALKING.

B. THE TENANT MAY TERMINATE THE RENTAL AGREEMENT PURSUANT TO THIS SECTION ONLY IF THE ACTIONS, EVENTS OR CIRCUMSTANCES DESCRIBED IN THE COURT ORDER OR IN THE REPORT FROM THE QUALIFIED THIRD PARTY OCCURRED WITHIN THE NINETY DAY PERIOD IMMEDIATELY PRECEDING THE NOTICE OF TERMINATION TO THE LANDLORD. IF THE TENANT REQUESTS TERMINATION OF THE RENTAL AGREEMENT AS PRESCRIBED BY THIS SECTION, THE TENANT IS LIABLE ONLY FOR RENT OWED OR PAID THROUGH THE END OF THE ONE-MONTH PERIOD IN WHICH THE TERMINATION REQUEST WAS MADE.

C. A WRITTEN REPORT FROM A QUALIFIED THIRD PARTY PURSUANT TO THIS SECTION SHALL INCLUDE THE FOLLOWING:

1. A SIGNED STATEMENT FROM THE QUALIFIED THIRD PARTY, STATING THAT THE TENANT OR HOUSEHOLD MEMBER REPORTED THE ACTS THAT CONSTITUTE DOMESTIC VIOLENCE, AGGRAVATED DOMESTIC VIOLENCE, SEXUAL ASSAULT, SEXUAL ABUSE, SEXUAL CONDUCT WITH A MINOR OR STALKING.

2. THE TIME, DATE AND LOCATION OF THE ACTS THAT ARE REPORTED TO HAVE OCCURRED.

3. A BRIEF DESCRIPTION OF THE ACTIONS REPORTED.

4. THE STATEMENT THAT THE TENANT OR HOUSEHOLD MEMBER REPORTED THE IDENTITY OF THE ALLEGED PERPETRATOR. THE QUALIFIED THIRD PARTY SHALL RETAIN A COPY OF THE RECORD THAT CONTAINS THE NAME OF THE ALLEGED PERPETRATOR BUT THE COPY USED TO PROVIDE NOTICE TO THE LANDLORD PURSUANT TO SUBSECTION A OF THIS SECTION SHALL NOT CONTAIN THE NAME OF THE ALLEGED PERPETRATOR.

D. FOR THE PURPOSES OF THIS SECTION:

1. "AGGRAVATED DOMESTIC VIOLENCE" MEANS AN OFFENSE PRESCRIBED BY SECTION 13-3601.02.

2. "DOMESTIC VIOLENCE" HAS THE SAME MEANING PRESCRIBED IN SECTION
13-3601.

1 3. "QUALIFIED THIRD PARTY" MEANS ANY ONE OF THE FOLLOWING, IN THAT
2 PARTY'S OFFICIAL OR PROFESSIONAL CAPACITY:

3 (a) A LAW ENFORCEMENT OFFICER.

4 (b) AN EMPLOYEE OF A COURT IN THIS STATE.

5 (c) A MEMBER OF THE CLERGY.

6 (d) A PERSON WHO IS A MENTAL HEALTH PROVIDER AND WHO IS LICENSED,
7 REGISTERED OR CERTIFIED UNDER TITLE 32.

8 4. "SEXUAL ABUSE" MEANS AN OFFENSE PRESCRIBED BY SECTION 13-1404.

9 5. "SEXUAL ASSAULT" MEANS AN OFFENSE PRESCRIBED BY SECTION 13-1406.

10 6. "SEXUAL CONDUCT WITH A MINOR" MEANS AN OFFENSE PRESCRIBED BY
11 SECTION 13-1405.

12 7. "STALKING" MEANS AN OFFENSE PRESCRIBED BY SECTION 13-2923.